

## SUBCHAPTER I—CIVIL DEFENSE

### PART 182—DEFENSE SUPPORT OF CIVILIAN LAW ENFORCEMENT AGENCIES

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AUTHORITY: 10 U.S.C. 113, 331–334, 371–382, 2576, and 2667; 14 U.S.C. 141; 16 U.S.C. 23, 78, 593, and 1861; 18 U.S.C. 112, 351, 831, 1116, 1385, and 1751; 22 U.S.C. 408, 461–462; 25 U.S.C. 180; 31 U.S.C. 1535; 42 U.S.C. 97, 1989, and 5121–5207; 50 U.S.C. 1621–1622; and Public Law 94–524.

SOURCE: 78 FR 21828, Apr. 12, 2013, unless otherwise noted.

#### § 182.1 Purpose.

This part:

(a) Establishes DoD policy, assigns responsibilities, and provides procedures for DoD support to Federal, State, Tribal, and local civilian law enforcement agencies, including responses to civil disturbances within the United States, including the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States or any other political subdivision thereof in accordance with 32 CFR part 185.

(b) Prescribes the regulations required by 10 U.S.C. 375.

#### § 182.2 Applicability and scope.

This part:

(a) Applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as the “DoD Components”).

(b) Applies to the Office of the Inspector General of the Department of Defense (IG, DoD) only to the extent

that this part does not conflict with any of the duties and responsibilities assigned to the IG, DoD pursuant to section 8(g) of Appendix, title 5, U.S.C. (also known as “The Inspector General Act of 1978, as amended”).

(c) Governs all DoD Component planning for and participation in Defense support of civilian law enforcement activities, including domestic emergencies and civil disturbance operations (CDO) (formerly referred to as “military assistance for civil disturbances”).

(d) Applies to National Guard (NG) personnel only in title 10, U.S.C., status only.

(e) Applies to civilian employees of the DoD Components and the activities of DoD contractors performed in support of the DoD Components.

(f) Does not apply to:

(1) Counternarcotics activities.

(2) Assistance to foreign law enforcement officials.

(3) The Defense Intelligence and Counterintelligence Components, except when providing assistance to civilian law enforcement activities in accordance with paragraph 2.6. of Executive Order 12333 and Procedure 12 of DoD 5240.1–R.<sup>1</sup>

(4) Requests for sensitive support, which are governed by DoD Directive S–5210.36.<sup>2</sup>

(5) NG personnel in State active duty or title 32, U.S.C., status.

(6) Maritime Homeland Security Operations, defined as time-critical requests by the United States Coast Guard for short duration (less than 48 hours) DoD support in countering an immediate maritime security threat, that are governed by the DoD-Department of Homeland Security Memorandum of Agreement for Department of Defense Support to the United States Coast Guard for Maritime Homeland Security.

<sup>1</sup>Available at <http://www.dtic.mil/whs/directives/corres/pdf/524001r.pdf>.

<sup>2</sup>Authorized users may obtain a copy at [www.dtic.mil/whs/directives](http://www.dtic.mil/whs/directives). Others may send a written request by email to [USDI.Pubs@osd.mil](mailto:USDI.Pubs@osd.mil).

## Office of the Secretary of Defense

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(7) Aircraft piracy operations conducted pursuant to title 10, U.S.C.

### § 182.3 Definitions.

The following definitions apply to this part:

*Civil authorities.* Those elected and appointed officers and employees who constitute the government of the United States, the governments of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, U.S. possessions and territories, and political subdivisions thereof.

*Civil disturbance.* Group acts of violence and disorder prejudicial to public law and order.

*Civilian law enforcement official.* An officer or employee of a civilian Federal, State, local, and tribal law enforcement agency with responsibility for enforcement of the laws within the jurisdiction of that agency.

*DoD personnel.* Federal military officers and enlisted personnel and civilian employees of the Department of Defense.

*Domestic emergencies.* Emergencies affecting the public welfare and occurring within the 50 states, District of Columbia, Commonwealth of Puerto Rico, U.S. possessions and territories, or any political subdivision thereof, as a result of enemy attack, insurrection, civil disturbance, earthquake, fire, flood, or other public disasters or equivalent emergencies that endanger life and property or disrupt the usual process of government. Domestic emergencies include civil defense emergencies, civil disturbances, major disasters, and natural disasters.

*Emergency authority.* A Federal military commander's authority, in extraordinary emergency circumstances where prior authorization by the President is impossible and duly constituted local authorities are unable to control the situation, to engage temporarily in activities that are necessary to quell large-scale, unexpected civil disturbances because:

(1) Such activities are necessary to prevent significant loss of life or wanton destruction of property and are necessary to restore governmental function and public order; or

(2) Duly constituted Federal, State, or local authorities are unable or de-

cline to provide adequate protection for Federal property or Federal governmental functions.

*Explosives or munitions emergency.* A situation involving the suspected or detected presence of unexploded ordnance (UXO), damaged or deteriorated explosives or munitions, an improvised explosive device (IED), other potentially explosive material or device, or other potentially harmful military chemical munitions or device, that creates an actual or potential imminent threat to human health, including safety, or the environment, including property, as determined by an explosives or munitions emergency response specialist. Such situations may require immediate and expeditious action by an explosives or munitions emergency response specialist to control, mitigate, or eliminate the threat.

*Law enforcement agency.* Any of a number of agencies (outside the Department of Defense) chartered and empowered to enforce U.S. laws in the following jurisdictions: the United States, a State (or political subdivision) of the United States, a territory (or political subdivision) of the United States, a federally recognized Native American tribe or Alaskan Native Village, or within the borders of a host nation.

### § 182.4 Policy.

It is DoD policy that:

(a) The Department of Defense shall be prepared to support civilian law enforcement agencies consistent with the needs of military preparedness of the United States, while recognizing and conforming to the legal limitations on direct DoD involvement in civilian law enforcement activities.

(b) Support of civilian law enforcement agencies by DoD personnel shall be provided in accordance with 18 U.S.C. 112, 351, 831, 1116, 1751, and 1385 (also known and hereinafter referred to as "The Posse Comitatus Act, as amended"); 10 U.S.C. chapter 18; 2 U.S.C. 1970 (for support to the U.S. Capitol Police); and other Federal laws, including those protecting the civil rights and civil liberties of individuals, as applicable.